

RIGHT TO KNOW ADVISORY COMMITTEE

DRAFT AGENDA

June 30, 2009

12:30 p.m.

Room 438, State House

Welcome and introductions

1. Summary of First Regular Session, 124th Legislature's FOA actions in 2009
 - RTK AC recommendations
 - LD 1199, An Act to Implement the Recommendations of the Right to Know Advisory Committee (PL 2009, c. 240 and Section 15)
 - Proposed public records exceptions reviews
2. Existing exceptions review process
 - Chart
3. Requests from Legislature
 - Health and Human Services Committee: LD 757, AN Act to Improve the Transparency of Certain Hospitals (see letter)
 - Judiciary Committee: LD 1353 An Act Regarding Salary Information for Public Employees (see letter)
 - Judiciary Committee: concern about standard language currently in statute used to protect information in an application for State funding or other assistance (included in LD 1485, Energy Bill)
4. Law School Externship - discussion
 - Assess
 - Continue? Changes?
5. Education and training for elected public officials - discussion
6. Additional FOA issues, projects, activities
 - Social Security Numbers (see memo from RTK AC law school extern)
 - Use of technology in public proceedings
 - Taking and keeping of minutes and records of public proceedings, statutory requirements
 - Classification of records of advisory panels conducting reviews of internal activities of state agencies or officials (follow up on Abbott)
7. Scheduling future meetings, subcommittee meetings
8. Other?

Adjourn

LD 1199
PL C. 240

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An Act To Implement the Recommendations of the Right To Know Advisory Committee

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, when the Public Access Division and the Public Access Ombudsman were created in statute by Public Law 2007, chapter 603, a sunset of June 30, 2009 was included; and

Whereas, the Public Access Division and the Public Access Ombudsman concept needs to be continued in case funding, other than from the General Fund, is identified; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §403, as repealed and replaced by PL 1975, c. 758, is amended to read:

§ 403. Meetings to be open to public

Except as otherwise provided by statute or by section 405, all public proceedings ~~shall~~must be open to the public, any person ~~shall~~must be permitted to attend any public proceeding and any public record or minutes of such proceedings that ~~is~~are required by law ~~shall~~must be made promptly and ~~shall~~must be open to public inspection.

Sec. 2. 1 MRSA §405, as amended by PL 2003, c. 709, §1, is further amended to read:

§ 405. Executive sessions

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions.

1. Not to defeat purposes of subchapter. ~~These sessions shall~~An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

2. Final approval of certain items prohibited. ~~No ordinances, orders, rules, resolutions, regulations, contracts, appointments~~An ordinance, order, rule, resolution, regulation, contract, appointment or other official actions shallaction may not be finally approved at an executive sessionsession.

3. Procedure for calling of executive session. ~~Executive sessions~~An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

5. Matters not contained in motion prohibited. ~~No~~ Matters other matter than those identified in the motion to go into executive session may not be considered in that particular executive session.

6. Permitted deliberation. Deliberations on only the following matters may be conducted induring an executive sessions on the following matters and no otherssession:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated ~~shall~~must be permitted to be present at an executive session if ~~he~~that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against ~~him~~that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion ~~shall~~must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, ~~provided that~~as long as:

(1) The student and legal counsel and, if the student ~~beis~~ is a minor, the student's parents or legal guardians ~~shall beare~~ permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to ~~his~~ the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

Sec. 3. 1 MRSA §407, sub-§2, as enacted by PL 1975, c. 758, is amended to read:

2. Dismissal or refusal to renew contract. Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to ~~appraise~~ appraise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof ~~shall must~~ be kept by the agency and made available to any interested member of the public who may wish to review it.

Sec. 4. 1 MRSA §408, sub-§6, ¶B, as enacted by PL 2003, c. 709, §2, is amended to read:

B. Release of the public record requested is in the public interest because ~~it~~doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester.

Sec. 5. 1 MRSA §409, sub-§1, as amended by PL 1987, c. 477, §5, is further amended to read:

1. Records. If any body or agency or official, who has custody or control of any public record, ~~shall refuse~~refuses permission to ~~so~~ inspect or copy or abstract a public record, this denial ~~shall~~must be made by the body or agency or official in writing, stating the reason for the denial, within 5 working days of the request for inspection by any person. Any person aggrieved by denial may appeal ~~therefrom~~, within 5 working days of the receipt of the written notice of denial, to any Superior Court within the State. If a court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter an order for disclosure. Appeals ~~shall be~~are privileged in respect to their assignment for trial over all other actions except writs of habeas corpus and actions brought by the State against individuals.

Sec. 6. 1 MRSA §409, sub-§3, as enacted by PL 1975, c. 758, is amended to read:

3. Proceedings not exclusive. The proceedings authorized by this section ~~shall~~are not be exclusive of any other civil remedy provided by law.

Sec. 7. 5 MRSA §200-I, sub-§6, as enacted by PL 2007, c. 603, §1, is repealed.

Sec. 8. 12 MRSA §6072, sub-§10, ¶D, as repealed and replaced by PL 2003, c. 247, §6, is amended to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~confidential business record~~proprietary information for the purposes of section 6077, subsection 4.

Sec. 9. 12 MRSA §6072-A, sub-§17-A, ¶B, as enacted by PL 2003, c. 247, §13, is amended to read:

B. The lessee shall mark the leased area in a manner prescribed by the commissioner; ~~and~~

Sec. 10. 12 MRSA §6072-A, sub-§17-A, ¶C, as enacted by PL 2003, c. 247, §13, is amended to read:

C. The lessee shall annually submit to the commissioner a report for the past year on results of the scientific research or commercial research and development undertaken at the lease site and a plan for the coming year. Results of commercial research and development submitted to the commissioner are confidential records for the purposes of Title 1, section 402, subsection 3, paragraph A. ~~Upon written request, the commissioner shall provide a copy of the public records in the report to the municipality or municipalities in which or adjacent to which the lease is located; and~~

Sec. 11. 12 MRSA §6072-A, sub-§17-A, ¶D is enacted to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered proprietary information for the purposes of section 6077, subsection 4.

Sec. 12. 12 MRSA §6077, sub-§4, ¶A, as amended by PL 2003, c. 247, §17, is further amended to read:

A. Information submitted to the department under this section may be designated by the submitter as proprietary information and being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, employees of the United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Fish and Wildlife Service, the National Marine Fisheries Services, the United States Department of Agriculture, the Attorney General and employees of the municipality in which the aquaculture facility is located. The designation must be clearly indicated on each page or other portion of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submitter and the general nature of the information. Upon a request for information, the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall demonstrate to the satisfaction of the department that the designated information should not be disclosed ~~because the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.~~ Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for the whole or any part of the designated information requested and within 15 days shall give written notice of the decision to the submitter and the person requesting the designated information. A person aggrieved by a decision of the department may appeal to the Superior Court. Information that has been designated by the submitter as proprietary information may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. All information provided by the department to the municipality under this paragraph is confidential and not a public record under Title 1, chapter 13. If a request for the information is submitted to the municipality, the municipality shall submit that request to the commissioner to be processed by the department as provided in this paragraph.

Sec. 13. 12 MRSA §6077, sub-§4, ¶E, as enacted by PL 1991, c. 381, §6, is amended to read:

E. It is unlawful to disclose designated information to any person not authorized by this section.

(1) Any person who solicits, accepts or agrees to accept, or who promises, offers or gives any pecuniary benefit in return for the disclosure of designated information is guilty of a Class D crime.

(2) A person who knowingly discloses designated information, knowing that the disclosure is not authorized, commits a civil violation for which a penalty of not more than \$5,000 may be assessed.

(3) In any action under this paragraph, the court shall first declare that the information is ~~a trade secret or production, commercial or financial~~ proprietary information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

Sec. 14. 12 MRSA §6077, sub-§4, ¶F is enacted to read:

F. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

Sec. 15. 12 MRSA §6078-A, sub-§1, as enacted by PL 2003, c. 247, §19, is amended to read:

1. Fund established. The Aquaculture Monitoring, Research and Development Fund, referred to in this section as "the fund," is established. All income received by the commissioner under this section must be deposited with the Treasurer of State, tracked according to its source and credited to the fund. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. Any interest earned on assets of the fund is credited to the fund. All records related to harvests submitted by aquaculture lease holders are considered ~~confidential business record~~ proprietary information for the purposes of section 6077, subsection 4.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.



Sec. 15. 20-A MRSA §13004, sub-§2-A, as amended by PL 2007, c. 666, §1, is repealed and the following enacted in its place:

2-A. Complaints, replies, investigations, decisions; national clearinghouse. This subsection governs the confidentiality of records concerning complaints, charges, accusations, replies, investigations and certification decisions.

A. Complaints, charges or accusations made and investigated pursuant to section 13020, replies to those complaints, charges or accusations and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential.

B. Any charges or information filed by the commissioner with the District Court in support of a petition to revoke or suspend certification and any decision of the court are public records.

C. The following information concerning final written decisions relating to disciplinary action taken by the commissioner against persons holding certifications are public records:

(1) Name of the person;

(2) The type of action taken, consisting of denial, revocation, suspension, surrender or reinstatement;

(3) The grounds for the action taken;

(4) The relevant dates of the action;

(5) The type of certification and endorsements held, including relevant dates;

(6) The schools where the person was or is employed; and

(7) The dates of employment.

D. The department shall report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal, and the grounds for the action taken, to a national association of state directors of teacher education and certification within 30 days of the action. In reports to the national association of state directors of teacher education and certification, the department may not disclose any information designated in paragraph A as confidential.

SUMMARY

This bill also clarifies confidentiality with regard to educational personnel credentialing records concerning actions taken by the Commissioner of Education. This bill clarifies that complaints, charges or accusations made and investigated pursuant to Title 20-A, section 13020, replies to those complaints, charges or accusations and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, but that the action taken by the commissioner, whether it is denial, revocation, suspension, surrender or reinstatement, is public. The grounds for the action are also public. In addition, specific information about the person is public once the action is taken: the name of the person; the relevant dates of the action; the type of certification and endorsements held, including relevant dates; the schools where the person was or is employed; and the dates of employment. In addition, this bill clarifies that the Department of Education shall report information about disciplinary action to a national association of state directors of teacher education and certification, including the grounds for the action. The department may not report to the national association of state directors of teacher education and certification information that is designated confidential by Title 20-A, section 13004.

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2009 FOA Reviews - proposed public records exceptions

LD OR LR	PL CHAPTER	COMMITTEE OF JURISDICTION	SUBJECT	PAGE
59	339	CRJ	Correctional facility security plans	1
276	200	UTE	Carbon dioxide budget trading program	2
640	221	JUD	Public contracts for personal services	7
757	(carried over)	HHS (not reviewed)	See letter from HHS	8
826	176	JUD	Recreational trails on private land	9
965	323	ACF	Genetically engineered crops	10
1159	320	ACF	Industrial hemp	11
1191	331	EDU (not reviewed)	Teacher disciplinary records	13
1205	439	IFS	Health Care Bill of Rights	14
1255	393	ACF	FDA and USDA food safety info	20
1327	406	LVA	Case review team for families of members of the Guard	25
1374	289	CRJ	Critical Incident Stress Management Teams	29
1418	402	IFS	Foreclosures	31
LR 1989 (LD 1485)	372	Energy	Maine's Energy Future	37
LD 2005 (LD 1484)	370	LVA	Central Voter Registration System	41
1357	VETOED	TRA	Driver's license laws	43
LD 1306	334	JUD	Interscholastic athletic organizations - public proceedings	45

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An Act To Amend the Laws Governing the Confidentiality of Correctional Facility Plans

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §402, sub-§3, ¶N, as amended by PL 2005, c. 381, §2, is further amended to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; and

Sec. 2. 1 MRSA §402, sub-§3, ¶O, as amended by PL 2007, c. 597, §1, is further amended to read:

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; and

Sec. 3. 1 MRSA §402, sub-§3, ¶P is enacted to read:

P. Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

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An Act To Protect the Integrity of the State's Carbon Dioxide Budget Trading Program and Auction Process and To Provide Allocations to the Energy and Carbon Savings Trust Fund

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine State Legislature enacted the Regional Greenhouse Gas Initiative Act of 2007, or RGGI, which is designed to stabilize and then reduce anthropogenic emissions of carbon dioxide, a greenhouse gas, from large electrical generating sources using a cap-and-trade mechanism; and

Whereas, the cap-and-trade mechanism uses an auction platform to sell state allocations of carbon dioxide allowances that will generate revenue for the State for purposes of electrical and fossil fuel conservation; and

Whereas, RGGI established the Energy and Carbon Savings Trust to oversee the expenditure of auction revenue on cost-effective electrical and fossil fuel conservation measures, investments and arrangements that will provide the citizens of the State with measurable economic and greenhouse gas reduction benefits; and

Whereas, RGGI also established the Energy and Carbon Savings Trust Fund, for the Energy and Carbon Savings Trust, to receive and expend revenue money associated with the auctioned sale of RGGI allowances but did not provide for allocation for receipt and expenditure of the auction revenues within the Energy and Carbon Savings Trust Fund; and

Whereas, the current statutory limit on the administrative costs of the Energy and Carbon Savings Trust may not enable the trust to adequately perform certain functions necessary to ensure that the expenditures from the Energy and Carbon Savings Trust Fund meet the statutory obligations of the trust; and

Whereas, the participating RGGI states conducted an auction in September 2008 and an auction in December 2008, and auctions are expected to continue at quarterly intervals in the future; and

Whereas, this much-needed revenue could be used to decrease electrical and heating energy costs beginning this winter for the State's citizens; and

Whereas, the Governor has declared that emergency conditions exist this winter for many citizens due to the unprecedented increases in petroleum product prices; and

Whereas, in addition, the primary purpose of the RGGI auction platform is to sell the State's allocations of carbon dioxide allowances at prices that are reflective of a competitive market that is free from collusion and market manipulation among the auction participants; and

Whereas, the release of RGGI information specific to any one account holder, including all auction bids and awards, carbon dioxide allowance and carbon dioxide offset allowance holdings and

transactions or any applications and financial security information or summaries thereof, has the potential to increase collusive or market manipulative behavior in RGGI auctions; and

Whereas, there is an immediate need to ensure future RGGI auctions will have robust competitive market conditions; and

Whereas, Public Law 2007, chapter 317, section 15 established a system under which the proceeds from the sale of carbon dioxide allowances are returned to electric customers as direct credits on their bills when the price of the allowances in the regional allowance market rises above a statutorily established price ceiling; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §10008, sub-§5, as amended by PL 2007, c. 695, Pt. A, §42, is further amended to read:

5. Ceiling on energy efficiency spending; rebates to electric ratepayers; rules.

There is established a ceiling on energy efficiency spending from the trust equal to \$5 per carbon dioxide allowance. Until that price ceiling is adjusted or removed, only the first \$5 of each carbon dioxide allowance sold and deposited in the trust fund may be awarded to or directed to qualified projects for purposes of energy efficiency improvements. While the ceiling is in place, revenue received by the trust from an allowance value above \$5 must be transferred to the commission for use by the commission pursuant to sections 301 and 1322 for rebates to electric ratepayers calculated on a per-kilowatt-hour basis. The commission shall adopt rules to implement this subsection. The rules must establish a system under which proceeds from the sale of carbon dioxide allowances may be returned to electric ratepayers as direct credits on their bills at times of heightened price pressure in regional carbon dioxide allowance markets due to an extraordinary circumstance. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §10008, sub-§6, ¶G, as amended by PL 2007, c. 608, §2, is repealed and the following enacted in its place:

G. No more than \$800,000 of trust fund receipts in any one year may be used for the costs of administering the trust pursuant to this section. The limit on administrative costs established in this paragraph does not apply to the following costs that may be funded by the trust:

(1) Costs of the Department of Environmental Protection for participating in the regional organization as defined in Title 38, section 580-A, subsection 20 and for administering the allowance auction under Title 38, chapter 3-B; and

(2) Costs of the Attorney General for activities pertaining to the tracking and monitoring of allowance trading activity and managing and evaluating the trust's funding of conservation programs.

Sec. 3. 38 MRSA §580-A, sub-§1-A is enacted to read:

1-A. Account. "Account" means a general account or a compliance account.

Sec. 4. 38 MRSA §580-A, sub-§4, as enacted by PL 2007, c. 317, §17, is amended to read:

4. Carbon dioxide budget unit compliance account or compliance account. "Carbon dioxide budget unit compliance account" or "compliance account" means the account established by the department for a carbon dioxide budget unit wherein carbon dioxide budget units deposit carbon dioxide emissions allowances and carbon dioxide offset allowances are held and available for compliance purposes under the carbon dioxide cap-and-trade program.

Sec. 5. 38 MRSA §580-A, sub-§6-A is enacted to read:

6-A. Carbon dioxide general account or general account. "Carbon dioxide general account" or "general account" means the account established by the department upon the request of an entity wherein the entity may hold carbon dioxide allowances and carbon dioxide offset allowances. The general account is separate from the compliance account.

Sec. 6. 38 MRSA §580-A, sub-§18-A is enacted to read:

18-A. Proprietary information. "Proprietary information" means production, commercial or financial information claimed as confidential on documents required to be submitted to participate in an auction, the disclosure of which would impair the competitive position of the account holder and would make available information that is not otherwise available.

Sec. 7. 38 MRSA §580-B, sub-§7, as enacted by PL 2007, c. 317, §17, is amended to read:

7. Allocation of carbon dioxide emissions allowances. The department shall allocate 100% of the annual carbon dioxide emissions allowances for public benefit to produce funds for carbon reduction and energy conservation, as specified in Title 35-A, section 10008. Except as provided in subsection 7-A and subsection 8, the department shall sell the carbon dioxide emissions allowances at public auction, in accordance with rules adopted under subsection 4. Revenue resulting from the sale of allowances must be deposited in the Energy and Carbon Savings Trust Fund established under Title 35-A, section 10008.

Sec. 8. 38 MRSA §580-B, sub-§10, ¶E, as enacted by PL 2007, c. 317, §17, is amended to read:

E. Management and cost-effectiveness of the State's energy conservation and carbon reduction programs and efforts funded by the Energy and Carbon Savings Trust established pursuant to Title 35-A, section 10008; and

Sec. 9. 38 MRSA §580-B, sub-§10, ¶F, as enacted by PL 2007, c. 317, §17, is amended to read:

F. The extent to which funds from the Energy and Carbon Savings Trust established pursuant to Title 35-A, section 10008 serve customers from all classes of the State's transmission and distribution utilities; and

Sec. 10. 38 MRSA §580-B, sub-§10, ¶G is enacted to read:

G. The revenues and expenditures of the Energy and Carbon Savings Trust Fund, established pursuant to Title 35-A, section 10008.

Sec. 11. 38 MRSA §580-B, sub-§11 is enacted to read:

11. Confidentiality. To protect the integrity of individual auctions administered under the carbon dioxide cap-and-trade program established in this section, the following records are confidential as provided in this subsection.

A. Except as provided in this paragraph, the following records are confidential for a period of 3 years beginning at the time of application, submission, award or record creation by the department or its agents:

(1) Auction bid and award information specific to any one account holder;

(2) Carbon dioxide allowance and carbon dioxide offset allowance account holdings; and

(3) Carbon dioxide allowance and carbon dioxide offset allowance transactions.

This paragraph does not prohibit the release of carbon dioxide allowance and carbon dioxide offset allowance account holdings and transactions in an aggregated form that does not permit the identification of any person or entity.

The commissioner may release information described in subparagraph (1), (2) or (3) before the expiration of the 3-year period if the commissioner determines that confidentiality of that information is no longer required to protect the integrity of individual auctions administered under the carbon dioxide cap-and-trade program.

B. The following records remain confidential and may not be disclosed except pursuant to a court order or upon the written consent of the account holder:

(1) Proprietary information contained in documents required to be submitted to participate in an auction conducted under the carbon dioxide cap-and-trade program; and

(2) Carbon dioxide allowance and carbon dioxide offset allowance transaction prices. This subparagraph does not prohibit the release of transaction prices calculated in an aggregated manner that does not permit the identification of any person or entity.

Records containing any emission, offset or allowance tracking information submitted for the purpose of demonstrating compliance with the carbon dioxide cap-and-trade program and rules adopted to implement the program are public records subject to disclosure under Title 1, chapter 13.

Sec. 12. Public Law 2007, c. 317, §24, sub-§3 is repealed.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Energy and Carbon Savings Trust Fund N027

Initiative: Provides an allocation to the Energy and Carbon Savings Trust Fund that will be used to reduce electricity consumption and greenhouse gas emissions.

OTHER SPECIAL REVENUE FUNDS	2008-09	2009-10	2010-11
All Other	\$30,000,000	\$30,000,000	\$30,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$30,000,000	\$30,000,000	\$30,000,000

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

LD 640
JUD

PL C.221

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §1816-A, sub-§4 is enacted to read:

4. Access to public records. As a condition of accepting a contract for services under this section, a contractor must agree to treat all records, other than proprietary information, relating to personal services work performed under the contract as public records under the freedom of access laws to the same extent as if the work were performed directly by the department or agency. For the purposes of this subsection, "proprietary information" means information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not proprietary information. This subsection applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

LD 757
HHS
carried over

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve the Transparency of Certain Hospitals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §402, sub-§2, ¶E, as amended by PL 1995, c. 608, §2, is further amended to read:

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; and

Sec. 2. 1 MRSA §402, sub-§2, ¶F, as enacted by PL 1995, c. 608, §3, is amended to read:

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and

Sec. 3. 1 MRSA §402, sub-§2, ¶G is enacted to read:

G. An organization and any board, commission, committee, subcommittee or wholly or partially owned subsidiary of that organization if the organization receives over \$250,000 annually in public funds for medical services and provides medical services as its primary function.

SUMMARY

This bill makes medical organizations that receive over \$250,000 annually in public funds for medical services subject to the freedom of access laws.

8

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**An Act To Protect Recreational Trails on Private Land
by Exempting Certain Information on Recreational
Trails from the Definition of "Public Records"**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §402, sub-§3, ¶N, as amended by PL 2005, c. 381, §2, is further amended to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; and

Sec. 2. 1 MRSA §402, sub-§3, ¶O, as amended by PL 2007, c. 597, §1, is further amended to read:

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; and

Sec. 3. 1 MRSA §402, sub-§3, ¶P is enacted to read:

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

LD 965
ALF
PL C. 323

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish Annual Reporting for Genetically Engineered Crops

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §1051, sub-§4, as enacted by PL 2007, c. 602, §3, is amended to read:

4. Manufacturer. "Manufacturer" means a person that produces or commercializes a genetically engineered plant part, seed or plant, not including a farm operation ~~for the purposes of Title 17, section 2805~~ as defined in section 152, subsection 6.

Sec. 2. 7 MRSA §1052, sub-§2-A is enacted to read:

2-A. Reporting. A manufacturer selling genetically engineered plant parts, plants or seeds in the State shall annually report to the commissioner the total potential acreage at a given planting density of genetically modified crops that could be grown based on the amount of each genetically engineered product sold in the State. Individual manufacturer data received under this subsection is confidential and may not be made public. The commissioner shall make public aggregate data that does not reveal the sales activities of an individual manufacturer. The commissioner shall provide aggregate data on sales of genetically engineered trees, tree seedlings, tree seeds, tree scions and other propagative materials to the Department of Conservation, Bureau of Forestry.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Relating to Industrial Hemp

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA c. 406-A is enacted to read:

CHAPTER 406-A

HEMP

§ 2231. Industrial hemp

1. Definition. As used in this chapter, unless the context otherwise indicates, "industrial hemp" means any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and that is grown or possessed by a licensed grower in compliance with this chapter.

2. Growing permitted. Notwithstanding any other provision of law, a person may plant, grow, harvest, possess, process, sell and buy industrial hemp if that person holds a license issued pursuant to subsection 4.

3. Application. A person desiring to grow industrial hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area to be used for the production of industrial hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields. Except for employees of the Maine Agricultural Experiment Station and the University of Maine System involved in research and related activities, an applicant for an initial licensure must submit a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history record check by the Department of Public Safety, State Bureau of Identification and the Federal Bureau of Investigation. All costs associated with the criminal history record check are the responsibility of the applicant and must be submitted with the fingerprints. Criminal history records provided to the commissioner under this section are confidential. The results of criminal records checks received under this subsection may only be used in determining an applicant's eligibility for licensure. A person with a prior criminal conviction is not eligible for licensure.

4. License issued. Upon review and approval of an application, the commissioner shall notify the applicant and request that the application fee determined under subsection 7 be submitted. Upon receipt of the appropriate fee and in accordance with subsection 8, the commissioner shall issue a license, which is valid for a period of one year and only for the site or sites specified in the license.

5. Documentation. A licensee shall file with the commissioner documentation indicating that the seeds planted were of a type and variety of hemp approved by the commissioner as having a concentration of no more than 0.3% delta-9-tetrahydrocannabinol by dry weight and a copy of any contract to grow industrial hemp. A licensee shall notify the commissioner of the sale or distribution of industrial hemp grown by the licensee and the name of each person to whom the industrial hemp was sold or distributed.

6. Rules. The commissioner shall adopt rules to establish approved varieties of industrial hemp, protocols for testing plant parts during growth for delta-9-tetrahydrocannabinol levels and guidelines for monitoring the growth and harvest of industrial hemp. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

7. Fees. The commissioner shall establish through rulemaking under subsection 6 an application fee, a license fee and per acre fees for monitoring, sampling and testing that are reasonable and necessary to cover the costs of the department.

All fees received pursuant to this subsection must be paid to the Treasurer of State and credited to a separate, nonlapsing account in the department. Money received pursuant to this subsection must be used for the expenses of administering this chapter.

8. Licensing contingent upon action by Federal Government. A license may not be issued under this section unless:

A. The United States Congress excludes industrial hemp from the definition of "marihuana" for the purpose of the Controlled Substances Act, 21 United States Code, Section 802(16); or

B. The United States Department of Justice, Drug Enforcement Administration takes affirmative steps towards issuing a permit under 21 United States Code, Chapter 13, Subchapter 1, Part C to a person holding a license issued by a state to grow industrial hemp.

The commissioner shall notify the Revisor of Statutes and the Commissioner of Public Safety when the requirements of either paragraph A or B have been met.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Improve Teacher Confidentiality Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §13004, sub-§2-A, as amended by PL 2007, c. 666, §1, is repealed and the following enacted in its place:

2-A. Confidentiality. The provisions of this subsection govern confidentiality. For the purposes of this subsection, the term "certification" means certification, authorization or approval under this chapter and chapter 502.

A. Complaints and responses pursuant to section 13020 and any other information or materials that may result in an action to deny, revoke or suspend certification are confidential, except when submitted in court proceedings to revoke or suspend certification.

B. Except for information designated confidential under section 6101 or section 6103, information designated confidential under paragraph A may be released or used by the department as necessary to:

(1) Complete its own investigations;

(2) Provide information to a national association of state directors of teacher education and certification to which the State belongs;

(3) Assist other public authorities to investigate the same teacher's certification in another jurisdiction;

(4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) Report child abuse or neglect under Title 22, section 4011-A.

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Establish a Health Care Bill of Rights

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 24-A MRSA §2809-A, sub-§1-A, ¶B-2 is enacted to read:

B-2. All notices of cancellation sent to certificate holders pursuant to paragraph B-1 must include a toll-free telephone number that certificate holders can call to determine if the policy has been cancelled for nonpayment of premium or if the policy has been reinstated because the premium has been paid.

Sec. A-2. 24-A MRSA §4302, sub-§1, ¶A, as enacted by PL 1995, c. 673, Pt. C, §1 and affected by §2, is amended to read:

A. Coverage provisions, benefits and any exclusions by category of service, type of provider and, if applicable, by specific service, including but not limited to the following types of exclusions and limitations:

- (1) Health care services excluded from coverage;
- (2) Health care services requiring copayments or deductibles paid by enrollees;
- (3) Restrictions on access to a particular provider type; and
- (4) Health care services that are or may be provided only by referral; and
- (5) Childhood immunizations as recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and the American Academy of Pediatrics;

Sec. A-3. 24-A MRSA §4303, sub-§12 is enacted to read:

12. Publication of policies by carriers. A carrier must publish at least 5 individual health plans with the highest level of enrollment and at least 5 small group health plans with the highest level of enrollment on the carrier's publicly accessible website in a manner that will allow consumers to review the coverage offered under each policy. The policies posted on the website must be updated when changes are made to the policies by the carrier. The appearance of the policy on the website must duplicate the appearance of a paper copy of the policy. The bureau shall provide a link from its website to each carrier's

website. A carrier must review annually which policies to post and make any necessary changes on its website. A carrier must post the required policies on its website within 90 days after the effective date of this subsection.

Sec. A-4. 24-A MRSA §4303, sub-§13 is enacted to read:

13. Explanation of benefits. A carrier offering an individual expense-incurred health plan to residents of this State or an expense-incurred group health plan to an employer in this State shall provide individual policyholders and group certificate holders with clear written explanations of benefit documents in response to the filing of any claim providing for coverage of hospital or medical expenses. The explanation of benefits must include all of the following information:

- A. The date of service;
- B. The provider of the service;
- C. An identification of the service for which the claim is made;
- D. Any amount the insured is obligated to pay under the policy for copayment or coinsurance;
- E. A telephone number and address where the insured may obtain clarification of the explanation of benefits;
- F. A notice of appeal rights; and
- G. A notice of the right to file a complaint with the bureau after exhausting any appeals under a carrier's internal appeals process.

The superintendent shall establish by rule the minimum information and standards for explanation of benefits forms used by carriers, taking into consideration any input from stakeholders and any national standards for explanation of benefits forms. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. This subsection applies to any explanation of benefits form issued on or after January 1, 2010.

Sec. A-5. 24-A MRSA §4303, sub-§14 is enacted to read:

14. Policy terms. The superintendent may by rule define standard policy terms that must be used in all policies issued by carriers offering health plans in the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-6. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Insurance - Bureau of 0092

Initiative: Allocates funds for the one-time costs of required rule-making proceedings.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$2,100	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,100	\$0

PART B

Sec. B-1. 24-A MRSA §4301-A, sub-§16-A is enacted to read:

16-A. Provider profiling program. "Provider profiling program" means a program that uses provider data in order to rate or rank provider quality or efficiency of care by the use of a grade, star, tier, rating or any other form of designation.

Sec. B-2. 24-A MRSA §4302, sub-§1, ¶J, as enacted by PL 1999, c. 742, §5, is amended to read:

J. A description of the independent external review procedures and the circumstances under which an enrollee is entitled to independent external review as required by this chapter; and

Sec. B-3. 24-A MRSA §4302, sub-§1, ¶K, as enacted by PL 1999, c. 742, §5, is amended to read:

K. A description of the requirements for enrollees to obtain coverage of routine costs of clinical trials and information on the manner in which enrollees not eligible to participate in clinical trials may qualify for the compassionate use program of the federal Food and Drug Administration for use of investigational drugs pursuant to 21 Code of Federal Regulations, Section 312.34, as amended; and

Sec. B-4. 24-A MRSA §4302, sub-§1, ¶L is enacted to read:

L. A description of a provider profiling program that may be a part of the health plan, including the location of provider performance ratings in the plan materials or on a publicly accessible website, information explaining the provider rating system and the basis upon which provider performance is measured, the limitations of the data used to measure provider performance, the process for selecting providers and a conspicuous written disclaimer explaining the provider performance ratings should only be used as a guide for choosing a provider and that enrollees should consult their current provider before making a decision about their health care based on a provider rating.

Sec. B-5. 24-A MRSA §4303, sub-§2, ¶E is enacted to read:

E. A carrier with a provider profiling program shall:

(1) Disclose to providers the methodologies, criteria, data and analysis used to evaluate provider quality, performance and cost-efficiency ratings;

(2) Create and share with providers their provider profile at least 60 days prior to using or publicly disclosing the results of the provider profiling program;

(3) Afford providers the opportunity to correct errors, submit additional information for consideration and seek review of data and performance ratings; and

(4) Afford providers due process appeal rights to challenge the profiling determination described in this subsection and by Bureau of Insurance Rule Chapter 850, Health Plan Accountability.

If a carrier has a provider profiling program that includes out-of-network providers, a carrier must meet the requirements of this paragraph with regard to an out-of-network provider as well as for a provider in a carrier's network.

PART C

Sec. C-1. 24-A MRSA §2736, sub-§1, as amended by PL 2009, c. 14, §4 and c. 244, Pt. G, §1, is repealed and the following enacted in its place:

1. Filing of rate information. Every insurer shall file for approval by the superintendent every rate, rating formula, classification of risks and every modification of any formula or classification that it proposes to use in connection with individual health insurance policies and certain group policies specified in section 2701. If the filing applies to individual health plans as defined in section 2736-C, the insurer shall simultaneously file a copy with the Attorney General. Every such filing must state the effective date of the filing. Every such filing must be made not less than 60 days in advance of the stated effective date, unless the 60-day requirement is waived by the superintendent, and the effective date may be suspended by the superintendent for a period of time not to exceed 30 days. A filing required under this section must be made electronically in a format required by the superintendent unless exempted by rule adopted by the superintendent. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. C-2. 24-A MRSA §2736, sub-§2, as amended by PL 1997, c. 344, §8, is further amended to read:

2. Filing; information. When a filing is not accompanied by the information upon which the insurer supports such filing, or the superintendent does not have sufficient information to determine whether such filing meets the requirements that rates not be excessive, inadequate or unfairly discriminatory, the superintendent shall require the insurer to furnish the information upon which it supports the filing. A filing and all supporting information, except for protected health information required to be kept confidential by state or federal statute and descriptions of the amount and terms or conditions or reimbursement in a contract between an insurer and a 3rd party, are public records within the meaning of notwithstanding Title 1, section 402, subsection 3, paragraph B and become part of the official record of any hearing held pursuant to section 2736-A.

Sec. C-3. 24-A MRSA §2736-A, first ¶, as amended by PL 2007, c. 629, Pt. M, §3, is further amended to read:

If at any time the superintendent has reason to believe that a filing does not meet the requirements that rates not be excessive, inadequate, unfairly discriminatory or not in compliance with former section 6913 or that the filing violates any of the provisions of chapter 23, the superintendent shall cause a hearing to be held. If a filing proposes an increase in rates in an individual health plan as defined in section 2736-C, the superintendent shall cause a hearing to be held at the request of the Attorney General. In any hearing conducted under this section, the insurer has the burden of proving rates are not excessive, inadequate or unfairly discriminatory and in compliance with section 6913.

PART D

Sec. D-1. 24-A MRSA §2808-B, sub-§2-A, ¶B, as enacted by PL 2003, c. 469, Pt. E, §16, is amended to read:

B. A filing and all supporting information, except for protected health information required to be kept confidential by state or federal statute and except for descriptions of the amount and terms or conditions or reimbursement in a contract between an insurer and a 3rd party, are public records except as provided by notwithstanding Title 1, section 402, subsection 3, paragraph B and become part of the official record of any hearing held pursuant to subsection 2-B, paragraph paragraph B or F.

Sec. D-2. 24-A MRSA §2808-B, sub-§6, ¶A, as amended by PL 2001, c. 410, Pt. A, §6, is further amended to read:

A. Each carrier must actively market small group health plan coverage, including any standardized plans required to be offered pursuant to subsection 8-A, to eligible groups in this State.

Sec. D-3. 24-A MRSA §2808-B, sub-§8-A is enacted to read:

8-A. Authority of the superintendent. The superintendent may by rule define one or more standardized small group health plans that must be offered by all carriers offering small group health plans in the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. D-4. Superintendent of Insurance report. The Superintendent of Insurance shall review possible ways to improve the availability and affordability of the State's individual health insurance market, including, but not limited to, increases in the minimum loss-ratio standards applicable to that market and consideration of an insurer's loss experience in all lines of insurance marketed by a carrier in this State when reviewing health insurance rate filings. The superintendent shall report the results of the review, including any recommendations for legislation, to the Joint Standing Committee on Insurance and Financial Services no later than February 1, 2010. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 124th Legislature.

PART E



Sec. E-1. 24-A MRSA §221, sub-§5 is enacted to read:

5. Examination of health carriers. The superintendent shall examine the market conduct of each domestic health carrier, as defined in section 4301-A, subsection 3, and each foreign health carrier with at least 1,000 covered lives in this State, offering a health plan as defined in section 4301-A, subsection 7, no less frequently than once every 5 years. An examination under this subsection may be comprehensive or may target specific issues of concern observed in the State's health insurance market or in the company under examination. In lieu of an examination conducted by the superintendent, the superintendent may participate in a multistate examination, or, in the case of a foreign company, approve an examination by the company's domiciliary regulator upon a finding that the examination and report adequately address relevant aspects of the company's market conduct within this State.

Sec. E-2. Transition. The Superintendent of Insurance shall begin conducting the market conduct examinations required by the Maine Revised Statutes, Title 24-A, section 221, subsection 5 during calendar year 2010, and all health carriers subject to the examination requirement must be examined at least once before January 1, 2015.

PART F

Sec. F-1. 24-A MRSA §4303, sub-§7-A is enacted to read:

7-A. Continuity of prescriptions. If an enrollee has been undergoing a course of treatment with a prescription drug by prior authorization of a carrier and the enrollee's coverage with one carrier is replaced with coverage from another carrier pursuant to section 2849-B, the replacement carrier shall honor the prior authorization for that prescription drug and provide coverage in the same manner as the previous carrier until the replacement carrier conducts a review of the prior authorization for that prescription drug with the enrollee's prescribing provider. Policies must include a notice of the right to request a review with the enrollee's provider, and the replacing carrier must honor the prior carrier's authorization for a period not to exceed 6 months if the enrollee's provider participates in the review and requests the prior authorization be continued. The replacing carrier is not required to provide benefits for conditions or services not otherwise covered under the replacement policy, and cost sharing may be based on the copayments and coinsurance requirements of the replacement policy.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**An Act To Amend Certain Laws Related to the
Department of Agriculture, Food and Rural Resources**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §125, sub-§2, as enacted by PL 1997, c. 711, §5, is amended to read:

2. Membership. The board consists of the following ~~19~~20 members:

- A. A designee of the President of the University of Maine at Orono;
- B. A designee of the Chancellor of the University of Maine System;
- C. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;
- D. The president of a statewide farm bureau or the president's designee;
- E. The president of a statewide agricultural council or the president's designee;
- F. Eight members representing the agricultural industry, one person designated by each of the following:

- (1) The Maine Potato Board;
- (2) The Wild Blueberry Commission of Maine;
- (3) A statewide pomological society;
- (4) A statewide vegetable and small fruit growers association;
- (5) A statewide dairy industry association;
- (6) A statewide landscape and nursery association;
- (7) A statewide florist and growers association; and
- (8) A statewide organic farmers and gardeners association;

G. Two members of the joint standing committee of the Legislature having jurisdiction over agricultural matters, one appointed by the President of the Senate and one appointed by the Speaker of the House;

H. One farmer with livestock experience in an area other than dairy farming, chosen from a list of 3 nominees submitted by a statewide beef and sheep producers association, appointed by the Governor;

I. Two research faculty members associated with agricultural research at the University of Maine at Orono, appointed by the Board of Trustees of the University of Maine System; and

J. The Director of the University of Maine Cooperative Extension Service; and

K. One member representing the aquaculture industry designated by a statewide aquaculture industry association.

Sec. 2. 7 MRSA §742, sub-§8 is amended to read:

8. Grade. "Grade" means any commercial fertilizer having a specific ~~and~~minimum percentage of plant nutrients that is the same guarantee as the guaranteed analysis, expressed in whole numbers.

Sec. 3. 7 MRSA §743-A is enacted to read:

§ 743-A. Tonnage report

1. Registrants required to report. On or before September 1st of each year, a registrant shall file with the commissioner, on a form prescribed by the commissioner, the number of tons of each brand and grade of commercial fertilizer sold by the registrant in the State during the 12 months preceding July 1st of that year. A fee of \$1 per ton or \$100 for each brand and grade of fertilizer, whichever is more, sold during the 12 months preceding July 1st of that year must accompany the form.

2. Fees; nonlapsing fund. The commissioner shall deposit all fees collected under this section in a dedicated, nonlapsing account established under section 765, subsection 2 for the purpose of administering and enforcing this subchapter and subchapter 5-A.

3. Commissioner's report. The commissioner may publish and distribute annually, to each registrant and other interested persons, a report showing the total tons of commercial fertilizer and the total tons by grade sold in the State.

Sec. 4. 7 MRSA §765, sub-§2, as enacted by PL 1987, c. 425, §§1 and 3, is amended to read:

2. Fees; nonlapsing fund. The commissioner shall collect all fees under this subchapter and section 743-A and deposit them with the Treasurer of State. ~~These funds shall be appropriated for in a separate account to be used for carrying out this subchapter and subchapter 5,~~ including the cost of inspection, sampling and analysis of commercial fertilizers and agricultural liming materials. These funds shall do not lapse, but shall remain in a carry-over account.

Sec. 5. 7 MRSA §766, sub-§1, as enacted by PL 1987, c. 425, §§1 and 3, is amended to read:

1. By registrants. On or before September 1st in each year each registrant shall file with the commissioner, on forms prescribed by ~~him~~the commissioner, the number of tons of each agricultural liming material sold during the 12 months preceding July 1st of ~~the current~~that year. A fee of \$1 per ton or \$100 for each brand of agricultural liming material, whichever is more, sold during the 12 months preceding July 1st of that year must accompany the form.

Sec. 6. 7 MRSA §2104-A is enacted to read:

§ 2104-A. Arrears in payments to Seed Potato Board

A person who on July 15th of any year is in arrears as to full payment for potato seed purchased from the Seed Potato Board is not eligible for listing in the Maine certified seed potatoes book for that year published by the department's Division of Plant Industry.

Sec. 7. 7 MRSA §2701, as amended by PL 1999, c. 401, Pt. H, §2, is further amended to read:

§ 2701.Licensing

All persons owning honeybees within the State shall annually notify the commissioner of the keeping of bees and the location of the bees and shall forward to the commissioner for deposit with the Treasurer of State an annual license fee ~~not to exceed \$2 per colony~~ for all bees kept on June 15th of each year. A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may be issued only with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee. Fees must be established by rule in accordance with the Maine Administrative Procedure Act. ~~No license fee returned may be less than \$2 per beekeeper.~~ Notwithstanding Title 5, section 8071, subsection 3, rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. License fees accrue as a dedicated revenue to the Division of Plant Industry to fund the cost of apiary inspection and licensing.

Between 14 and 30 days prior to June 15th annually, the commissioner shall cause notice of the annual notification and license fee requirement to be ~~published at least twice in the state newspaper and in other newspapers or journals of general circulation adequate to provide reasonable notice throughout the State~~publicized.

Sec. 8. 22 MRSA §1471-N, as amended by PL 1979, c. 187, is repealed.

Sec. 9. 22 MRSA §2153-A is enacted to read:

§ 2153-A. Confidentiality of certain information

The following information is confidential and may not be disclosed to the public:

1. United States Department of Agriculture, Food Safety and Inspection Service.

Information provided to the department or to any employee of the department by the United States Department of Agriculture, Food Safety and Inspection Service pursuant to 9 Code of Federal Regulations, Section 390.9 (2008) to the extent that the regulations designate the information confidential, the information is otherwise identified pursuant to the regulations as confidential or the regulations require the information to be protected from public disclosure; and

2. Food and Drug Administration. Information provided to the department or to any employee of the department by the United States Food and Drug Administration pursuant to 21 Code of Federal Regulations, Section 20.88 (2008) to the extent that the regulations designate the information confidential, the information is otherwise identified pursuant to the regulations as confidential or the regulations require the information to be protected from public disclosure.

Sec. 10. 22 MRSA §2169, 3rd ¶, as enacted by PL 1999, c. 598, §1 and affected by §4, is amended to read:

Beginning August 1, 2000, each one-, 2- or 3-year license or license renewal issued expires on December 31st of the appropriate year except that, beginning January 1, 2010, each one-year, 2-year or 3-year license or license renewal expires on the date of issuance of the appropriate year. When an initial license is issued or when a license is renewed between August 1, 2000 and August 1, 2003, the license fee is prorated based on the number of months the license is valid and the annual fee. When a license is renewed between January 1, 2010 and January 1, 2011, the period of time that the license is valid may be increased by up to 11 months and the license fee is prorated based on the number of months the license is valid and the annual fee.

Sec. 11. 22 MRSA §2513, as enacted by PL 1999, c. 777, §1, is amended to read:

§ 2513. Rules

The commissioner shall adopt rules to carry out the purposes of this chapter. Rules adopted under this section may incorporate by reference those provisions of the Code of Federal Regulations that are applicable to meat and poultry inspection, as such regulations may be amended, and that are necessary to remain in compliance with the federal requirements for the State's meat and poultry products inspection and licensing program under section 2512. Rules adopted under this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter H-A2-A.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Plant Industry 0831

Initiative: Provides one-time funding for rule-making costs.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$2,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,500	\$0

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Quality Assurance and Regulation 0393

Initiative: Provides funding for a limited-period Consumer Protection Inspector position and related All Other costs to establish and administer the commercial fertilizer sampling program.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$65,832	\$67,860
All Other	\$56,155	\$56,155
OTHER SPECIAL REVENUE FUNDS TOTAL	\$121,987	\$124,015

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Update Department of Defense, Veterans and Emergency Management Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §264, sub-§3, ¶K, as enacted by PL 2007, c. 167, §1, is amended to read:

K. The Bath Armory, or any portion thereof, located on Lincoln Street, Bath, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory;

Sec. 2. 37-B MRSA §264, sub-§3, ¶N, as enacted by PL 2007, c. 167, §1, is amended to read:

N. The Presque Isle Armory located on North Main Street, Presque Isle, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; ~~and~~

Sec. 3. 37-B MRSA §264, sub-§3, ¶O, as enacted by PL 2007, c. 167, §1, is amended to read:

O. The Caribou Armory, also known as the "Solman Armory," located on York Street, Caribou, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory;

Sec. 4. 37-B MRSA §264, sub-§3, ¶P is enacted to read:

P. The Fort Kent Armory, located on Armory Road, Fort Kent, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; and

Sec. 5. 37-B MRSA §264, sub-§3, ¶Q is enacted to read:

Q. The Gardiner Armory, located on Brunswick Avenue, Gardiner, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory.

Sec. 6. 37-B MRSA §264, sub-§5 is enacted to read:

5. Special provisions for the Portland Armory. Notwithstanding subsection 1, the Adjutant General may execute a like-kind exchange of the Portland Armory, or any portion thereof, located on Stevens Avenue, Portland, for real property of substantially equal value, subject to the provisions of subsection 3, paragraph L.

Sec. 7. 37-B MRSA §460 is enacted to read:

§ 460. Behavior that is prejudicial to good order and discipline of military forces or that discredits military forces

Any person subject to this Code who behaves in a manner that is prejudicial to the good order and discipline of the military forces or that discredits the military forces must be punished as a court-martial may direct.

Sec. 8. 37-B MRSA §503, sub-§1, as amended by PL 2001, c. 662, §61, is further amended to read:

1. Employment of personnel. The director may employ, subject to approval of the appointing authority and the Civil Service Law, the personnel necessary to administer this chapter. The director may employ a ~~directorsuperintendent~~ of the cemetery system, a veteran claims specialist and veteran ~~advocate~~service officers. The director and other employees referred to in this subsection must be veterans as defined by 38 United States Code, Section 101 (2) who were separated with an honorable discharge.

Sec. 9. 37-B MRSA §504, sub-§2, as amended by PL 2001, c. 662, §63, is further amended to read:

2. Superintendent of the cemetery system. The director, with approval of the appointing authority, shall appoint a competent and trustworthy ~~directorsuperintendent~~ of the cemetery system and shall arrange for personnel, material and equipment necessary for adequate maintenance of the cemeteries.

Sec. 10. 37-B MRSA §505, sub-§2, ¶H is enacted to read:

H. A school that provides tuition assistance pursuant to this subsection shall provide any information, such as enrollment verification, current contact information, semester grade point average, accumulated credit hours and transcripts, to the bureau as necessary for the bureau to properly administer the educational benefits described in this subsection in accordance with current laws.

Sec. 11. 37-B MRSA §508, as enacted by PL 2001, c. 662, §71, is amended to read:

§ 508. Veteran service officers

Veteran ~~advocate~~service officers shall serve, assist and advocate for all veterans. A veteran ~~advocate~~service officer must be trained and conversant on the issues, benefits and definitions affecting all veterans, including atomic, Vietnam, Desert Storm and female veterans.

Sec. 12. 37-B MRSA §536 is enacted to read:

§ 536. Case Review Team

There is created within the commission the Case Review Team, referred to in this section as "the team."

1. Composition of Case Review Team. The team consists of the chair of the commission and, as determined by the chair of the commission, may consist of any current or advisory members of the commission, as described in section 532, subsections 1 and 2, depending upon the nature and requirements of each case review. If the team includes advisory members of the commission, those members serve as nonvoting members of the team.

2. Meetings; officers. The team shall meet at such time or times as may be reasonably necessary to carry out its duties, as the team determines, and it shall meet at the call of the chair of the commission.

3. Powers and duties. The team shall examine cases involving Maine National Guard noncombat death and disability associated with military service in the Maine National Guard. The purpose of the examinations must be consistent with the provisions of this chapter. In addition, the team shall assist specific individual Maine National Guard service members as necessary.

4. Confidentiality. For the purposes of Title 1, section 402, proceedings and records of the team are confidential and are not subject to disclosure under any state law, subpoena, discovery or introduction into evidence in a civil or criminal action and must be sealed. The chair of the commission shall disclose statistical information and conclusions of the team upon request but may not disclose the materials that are otherwise confidential.

Sec. 13. 37-B MRSA §601, as amended by PL 2007, c. 167, §9, is further amended to read:

§ 601.Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to senile dementia patients, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to senile dementia patients, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans'

PUBLIC Law, Chapter 406 LD 1327, item 1, 124th Maine State Legislature
An Act To Update Department of Defense, Veterans and Emergency Management Laws

Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes ~~or are entitled to retired pay under 10 United States Code, Chapter 1223~~ regardless of the age of such persons.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

LD 1374
CRJ

PL C. 289

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure the Effectiveness of Critical Incident Stress Management Teams

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA Pt. 11 is enacted to read:

PART 11

CRITICAL INCIDENTS

CHAPTER 501

CRITICAL INCIDENT STRESS MANAGEMENT TEAMS

§ 4201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Critical incident. "Critical incident" means a work-related incident that causes or has the potential to cause a law enforcement officer to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, fatal motor vehicle accidents, child abuse investigations and death investigations.

2. Critical incident stress management team. "Critical incident stress management team" means a team composed of members of a state, county or municipal law enforcement agency that is trained, in accordance with standards established by rule by the Commissioner of Public Safety, to assist and provide support to any person employed by the team's own agency or another law enforcement agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§ 4202. Critical incident stress management teams

1. Information confidential. Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the

affected person. Statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose.

2. Mandatory disclosure of information. Unless protected by a privilege of law recognized by this State, a member of a critical incident stress management team must disclose to appropriate federal, state or local government agencies or law enforcement agencies the following types of information:

- A. An admission by a person seeking the assistance of the critical incident stress management team that the person has committed a crime;
- B. A disclosure of information by a person seeking the assistance of a critical incident stress management team that must be reported pursuant to any applicable law; or
- C. A disclosure of information by a person seeking the assistance of a critical incident stress management team that would lead one to reasonably think that the person seeking assistance is a danger to that person or to another person.

Information disclosed under this subsection is no longer confidential unless it is otherwise designated confidential by statute.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

LD 1418
IFS
PLC. 402
(excerpts)

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Preserve Home Ownership and Stabilize the Economy by Preventing Unnecessary Foreclosures

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State's rate of mortgages in foreclosure is rising to unprecedented levels, both for prime and subprime mortgages; and

Whereas, foreclosures are expected to continue in the State because homeowners will not be able to afford payments due to rising adjustable mortgage payments, rising unemployment and job loss; and

Whereas, homeowners are expected to have continued problems selling their properties at the value of their mortgages due to falling housing prices; and

Whereas, foreclosures contribute to the decline in the State's housing market, loss of property values and loss of tax revenues; and

Whereas, the number of foreclosure actions in the courts is rapidly increasing and the current system for resolving foreclosure actions is creating a burden on the court system; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §18-B, sub-§12 is enacted to read:

12. Mediation involving mortgage foreclosures on owner-occupied residential property. The foreclosure mediation program is a program within the Supreme Judicial Court to provide mediation in the courts throughout the State pursuant to Title 14, section 6321-A.

A. The Supreme Judicial Court, or a person or organization designated by the court, shall administer the foreclosure mediation program.

B. A foreclosure mediation program fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected to support mediation services pursuant to Title 14, section 6321-A, subsection 3 must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 14, section 6321-A.

Sec. 2. 4 MRSA §104, as amended by PL 2009, c. 136, §1, is further amended to read:

§ 104.Active retired justices

any district and when so directed has authority and jurisdiction therein the same as if that judge were the regular judge of that court and, whenever the Chief Judge of the District Court so orders, may hear all matters and issue all orders, notices, decrees and judgments that any Judge of that District Court is authorized to hear and issue. An Active Retired Judge of the District Court receives reimbursement for expenses actually and reasonably incurred in the performance of that judge's duties. An Active Retired Judge of the District Court may be assigned by the Chief Judge of the District Court to act as a mediator for the foreclosure mediation program in accordance with Title 14, section 6321-A, subsection 7.

Sec. 4. 9-A MRSA §6-116, sub-§2, as amended by PL 1995, c. 397, §1, is further amended to read:

2. Financial information not normally available to the public that is submitted in confidence by an individual or organization to comply with the licensing, registration or other regulatory functions of the administrator; and

Sec. 5. 9-A MRSA §6-116, sub-§3, as enacted by PL 1985, c. 763, Pt. A, §51, is amended to read:

3. Proposed loan documents and other commercial paper submitted to be approved for use and not yet available to the general public or customers of the submitting institution or firm; and

Sec. 6. 9-A MRSA §6-116, sub-§4 is enacted to read:

4. Any contact information or financial information relating to a mortgagor submitted pursuant to Title 14, section 6111, subsection 3-A and any written notice sent to a mortgagor pursuant to Title 14, section 6111, subsection 4-A that includes a mortgagor's contact information.

Sec. 7. 9-A MRSA §9-408 is enacted to read:

§ 9-408. Violation of the Maine Unfair Trade Practices Act

Any violation of this article constitutes a violation of the Maine Unfair Trade Practices Act.

Sec. 8. 9-B MRSA §162, sub-§7 is enacted to read:

7. **Disclosure of notice of mortgagor's right to cure.** The financial records pertain to a notice of mortgagor's right to cure and are disclosed to the Bureau of Consumer Credit Protection pursuant to Title 14, section 6111, subsection 3-A.

Sec. 9. 14 MRSA §2401, sub-§3, as amended by PL 1993, c. 114, §2 and affected by §4, is further amended to read:

3. Judgment required; recording and contents. The judgment in the proceeding must be signed by the judge and contain the following provisions:

- A. The names and addresses, if known, of all parties to the action, including the counsel of record;
- B. The docket number;

C. A finding that all parties have received notice of the proceedings in accordance with the applicable provisions of the Maine Rules of Civil Procedure and, if the notice was served or given pursuant to an order of a court, including service by publication, that the notice was served or given pursuant to the order;

D. An adequate description of real estate involved; and

F. A certification to be signed by the clerk after the appeal period has expired, certifying that the applicable period has expired without action or the final judgment has been entered after remand following appeal; and

G. With regard to mortgage foreclosure actions, the title "judgment of foreclosure and sale," the street address of the real estate involved, if any, and the book and page number of the mortgage.

Unless a proposed judgment with the provisions required in this subsection is presented to the court at the time of the court's decision, the court shall name the party responsible for preparing a judgment with the required provisions. An attested copy of the judgment with the signed clerk's certification must be recorded in the registry of deeds for the county or counties where the subject property is located within one year of the entry of the final judgment unless otherwise ordered by the court. For the purposes of this section, a judgment is not final until all applicable appeal periods have expired and any appellate proceedings and subsequent actions on remand, if any, have been concluded. The court shall name the party responsible for recording the attested copy of the judgment and for paying the appropriate recording fees. The judgment has no effect as to any person not a party to the proceeding who has no actual knowledge of the judgment unless an attested copy of the judgment is recorded in accordance with this section. A judgment of foreclosure and sale for recording may not be recorded in the registry of deeds unless it is in compliance with the requirements of this section. Failure to comply with this section does not affect the validity of the underlying judgment.

Sec. 10. 14 MRSA §6111, sub-§1, as amended by PL 1997, c. 579, §1, is further amended to read:

1. Notice; payment. With respect to mortgages upon residential property located in this State when the mortgagor is occupying all or a portion of the property as the mortgagor's primary residence and the mortgage secures a loan for personal, family or household use, the mortgagee may not accelerate maturity of the unpaid balance of the obligation or otherwise enforce the mortgage because of a default consisting of the mortgagor's failure to make any required payment, tax payment or insurance premium payment, by any method authorized by this chapter until at least ~~30~~35 days after the date that written notice pursuant to subsection 1-A is given by the mortgagee to the mortgagor and any cosigner against whom the mortgagee is enforcing the obligation secured by the mortgage at the last known addresses of the mortgagor and any cosigner that the mortgagor has the right to cure the default by full payment of all amounts that are due without acceleration, including reasonable interest and late charges specified in the mortgage or note as well as reasonable attorney's fees. If the mortgagor tenders payment of the amounts before the date specified in the notice, the mortgagor is restored to all rights under the mortgage deed as though the default had not occurred.

Sec. 11. 14 MRSA §6111, sub-§1-A is enacted to read:

1-A. Contents of notice. A mortgagee shall include in the written notice under subsection 1 the following:

- A. The mortgagor's right to cure the default as provided in subsection 1;
- B. An itemization of all past due amounts causing the loan to be in default;
- C. An itemization of any other charges that must be paid in order to satisfy the full obligations of the loan;
- D. A statement that the mortgagor may have options available other than foreclosure, that the mortgagor may discuss available options with the mortgagee, the mortgage servicer or a counselor approved by the United States Department of Housing and Urban Development and that the mortgagor is encouraged to explore available options prior to the end of the right-to-cure period;
- E. The address, telephone number and other contact information for persons having authority to modify a mortgage loan with the mortgagor to avoid foreclosure, including, but not limited to, the mortgagee, the mortgage servicer and an agent of the mortgagee;
- F. The name, address, telephone number and other contact information for all counseling agencies approved by the United States Department of Housing and Urban Development operating to assist mortgagors in the State to avoid foreclosure; and
- G. Where mediation is available as set forth in section 6321-A, a statement that a mortgagor may request mediation to explore options for avoiding foreclosure judgment.

Sec. 12. 14 MRSA §6111, sub-§3-A is enacted to read:

3-A. Information; Bureau of Consumer Credit Protection. Within 3 days of providing written notice to the mortgagor as required by subsections 1 and 1-A, the mortgagee shall file with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, in electronic format as designated by the Bureau of Consumer Credit Protection, information including:

- A. The name and address of the mortgagor and the date the written notice required by subsections 1 and 1-A was mailed to the mortgagor and the address to which the notice was sent;
- B. The address, telephone number and other contact information for persons having authority to modify a mortgage loan with the mortgagor to avoid foreclosure, including, but not limited to, the mortgagee, the mortgage servicer and an agent of the mortgagee; and
- C. Other information, as permitted by state and federal law, requested of the mortgagor by the Bureau of Consumer Credit Protection.

Sec. 13. 14 MRSA §6111, sub-§3-B is enacted to read:

3-B. Report. On a quarterly basis, the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the number of notices received pursuant to subsection 3-A. To the extent information is available, the report must also include information on the number of foreclosure filings based on data collected from the court and the Department of Professional and Financial Regulation, Bureau of Financial Institutions and on the types of lenders that are filing foreclosures.

Sec. 14. 14 MRSA §6111, sub-§4-A is enacted to read:

4-A. Letter to mortgagor. Within 3 days of receiving electronic information from the mortgagee as set forth in subsection 3-A, the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall send a written notice to the mortgagor that includes a summary of the mortgagor's rights and available resources, including information concerning the foreclosure mediation program as established in section 6321-A.

Sec. 15. 14 MRSA §6112 is enacted to read:

§ 6112. Statewide outreach

To the extent resources are available pursuant to subsection 4, the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall engage in the following activities.

1. Hotline. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall establish a statewide hotline to facilitate a mortgagor's communication with housing counselors approved by the United States Department of Housing and Urban Development for the purposes of discussing options to avoid foreclosure.

2. Outreach; housing counseling services. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, in consultation with the Maine State Housing Authority, shall coordinate an outreach program to help families with their housing needs with the intent of expanding the outreach program statewide. The bureau shall use a portion of the funds received pursuant to subsection 4 for contracts with nonprofit organizations that provide housing counseling services and mortgage assistance.

3. Form. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, after consultation with interested parties, shall develop for use by the Supreme Judicial Court a one-page form notice for making a request for mediation and making an answer to a foreclosure complaint as described in section 6321-A, subsection 2.

4. Funding. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall establish a nonlapsing, dedicated account for the deposit of revenues transferred from the Department of Administrative and Financial Services, Maine Revenue Services pursuant to Title 36, section 4641-B, subsection 6 and for any funds received from any public or private source. The

4. Financial information confidential. Except for financial information included as part of a foreclosure complaint or any answer filed with the court, any financial statement or information provided to the court or to the parties during the course of mediation in accordance with this section is confidential and is not available for public inspection. Any financial statement or information must be made available as necessary, to the court, the attorneys whose appearances are entered in the case and the parties to the mediation. Any financial statement or information designated as confidential under this subsection must be kept separate from other papers in the case and may not be used for purposes other than mediation.

5. No waiver of rights. The plaintiff's or defendant's rights in the foreclosure action are not waived by participating in the program.

6. Commencement of mediation. When a defendant returns the notice required under subsection 2 or otherwise requests mediation or makes an appearance in a foreclosure action, the court shall refer the plaintiff and defendant to mediation pursuant to this section.

7. Provisions of mediation services; filing and fees. The court shall:

A. Assign mediators, including active retired justices and judges pursuant to Title 4, sections 104 and 157-B, who:

(1) Are trained in mediation and all relevant aspects of the law;

(2) Have knowledge of community-based resources that are available in the judicial districts in which they serve;

(3) Have knowledge of mortgage assistance programs; and

(4) Are trained in using the relevant Federal Deposit Insurance Corporation forms and worksheets.

The court may establish a training program for mediators and require that mediators receive such training prior to being appointed;

B. Report annually to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters on:

(1) The performance of the program, including numbers of homeowners who are notified of mediation, who attend mediation and who receive legal counseling or legal assistance; and

LD 1485
ENERGY

PL C. 372
(excerpts)

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding Maine's Energy Future

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation establishes the Efficiency Maine Trust to operate an integrated suite of energy efficiency and renewable energy programs; and

Whereas, it is necessary that the changes made by this legislation take effect as soon as possible for the maximum benefit of the people of the State to aid them in developing efficient uses of energy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 5 MRSA §949, sub-§1, ¶D, as amended by PL 2009, c. 122, §5, is further amended to read:

D. Director of electric and gas utility industries; and

Sec. A-2. 5 MRSA §949, sub-§1, ¶D-1, as enacted by PL 2007, c. 482, §4, is repealed.

Sec. A-3. 5 MRSA §3327, as amended by PL 2007, c. 656, Pt. C, §§3 to 5, is repealed.

Sec. A-4. 5 MRSA §12004-G, sub-§13-F, as enacted by PL 2007, c. 317, §1, is repealed.

Sec. A-5. 5 MRSA §12004-I, sub-§20-B, as enacted by PL 2007, c. 317, §2, is repealed.

Sec. A-6. 35-A MRSA §3211-A, as amended by PL 2007, c. 317, §§3 to 13, is repealed.

Sec. A-7. 35-A MRSA §3211-C, as amended by PL 2009, c. 88, §1, is repealed.

Sec. A-8. 35-A MRSA §4711, as amended by PL 2009, c. 122, §17, is repealed.

Sec. A-9. 35-A MRSA c. 95, as amended, is repealed.

Sec. A-10. Effective date. This Part takes effect July 1, 2010.

PART B

Sec. B-1. 5 MRSA §12004-G, sub-§10-C is enacted to read:

10-C.

Efficiency Maine Trust Board = board

4. Triennial plan. The board shall vote on a detailed, triennial, energy efficiency, alternative energy resources and conservation plan that includes the quantifiable measures of performance developed under subsection 3 and make a full report of the vote to the commission in accordance with this subsection. The triennial plan must provide integrated planning, program design and implementation strategies for all energy efficiency, alternative energy resources and conservation programs administered by the trust, including but not limited to the electric efficiency and conservation programs under section 10110, the natural gas efficiency and conservation programs under section 10111, the Regional Greenhouse Gas Initiative Trust Fund under section 10109, the Heating Fuels Efficiency and Weatherization Fund under section 10119 and any state or federal funds or publicly directed funds accepted by or allocated to the trust for the purposes of this chapter. The triennial plan must include provisions for the application of appropriate program funds to support workforce development efforts that are consistent with and promote the purposes of the trust. The plan must be consistent with the comprehensive state energy plan pursuant to Title 2, section 9, subsection 3, paragraph C.

A. The triennial plan must be developed by the trust, in consultation with entities and agencies engaged in delivering efficiency programs in the State, to authorize and govern or coordinate implementation of energy efficiency and weatherization programs in the State.

(1) Transmission and distribution utilities and natural gas utilities shall furnish data to the trust that the trust requests under this subsection subject to such confidential treatment as a utility may request and the board determines appropriate pursuant to section 10106. The costs of providing the data are deemed reasonable and prudent expenses of the utilities and are recoverable in rates.

B. In developing the triennial plan, the staff of the trust shall consult the board and provide the opportunity for the board to provide input on drafts of the plan.

C. The board shall review and approve the triennial plan by affirmative vote of 2/3 of the trustees upon a finding that the plan is consistent with the statutory authority for each source of funds that will be used to implement the plan, the state energy efficiency targets in paragraph F and the best practices of program administration under subsection 2. The plan must include, but is not limited to, efficiency and conservation program budget allocations, objectives, targets, measures of performance, program designs, program implementation strategies, timelines and other relevant information.

D. Prior to submission of the triennial plan to the commission, the trust shall offer to provide a detailed briefing on the draft plan to the joint standing committee of the Legislature having jurisdiction over energy matters and, at the request of the committee, shall provide such a briefing and opportunity for input from the committee. After providing such opportunity for input and making any changes as a result of any input received, the board shall deliver the plan to the commission for its review and approval. The commission shall open a proceeding and issue an order either approving the plan or rejecting the plan and stating the reasons for the rejection. The commission shall reject elements of the plan that propose to use funds generated pursuant to sections 10110, 10111 or 10119 if the plan fails to reasonably explain how these elements of the program would achieve the objectives and implementation requirements of the programs established under those

5. Rules. The board shall adopt rules for establishing and administering the trust and its programs. These rules must include:

A. Provisions for the expenditure of trust funds, including, but not limited to, the development of program budgets, criteria for energy efficiency and conservation programs and other consumer benefit programs, the process for project selection and approval, minimum requirements for project monitoring and verification and the cost-effectiveness tests to be used for measuring and comparing program benefits and costs; and

B. Provisions for the independent evaluation of program expenditures to ensure cost-effectiveness of projects to improve energy efficiency or to reduce greenhouse gases.

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

6. Self-dealing prohibited. In the operation or dissolution of the trust, no part of the net earnings of the trust may benefit any trustee, officer or employee except that the trust may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property in furtherance of the purposes of the trust.

7. Recommendations; advisory groups. The trust may make recommendations to the Governor, the Legislature and other public officials regarding energy efficiency, weatherization and renewable energy programs. The trust may establish technical advisory groups as needed for the purposes of gathering technical knowledge on any aspect of energy conservation or policy.

§ 10106. Freedom of access; confidentiality

The proceedings of the board and records of the trust are subject to the freedom of access laws, Title 1, chapter 13, except as specifically provided in this subsection.

1. Confidential records. The following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:

A. A record obtained or developed by the trust that:

(1) A person, including the trust, to whom the record belongs or pertains has requested be designated confidential; and

(2) The board has determined contains information that gives the owner or a user an opportunity to obtain business or competitive advantage over another person who does not have access to the information, except through the trust's records, or access to which by others would result

in a business or competitive disadvantage, loss of business or other significant detriment, other than loss or denial of financial assistance from the trust, to any person to whom the record belongs or pertains; and

B. A financial statement or tax return.

The trust shall provide to a legislative committee, on written request signed by the chairs of that committee, any information or records, including information designated confidential under this subsection, specified in the written request. The information or records may be used only for the lawful purposes of the committee and in any action arising out of any investigation conducted by it.

2. Exceptions. Notwithstanding subsection 1, the following are not confidential and are public records:

A. Any otherwise confidential information the confidentiality of which the board determines to have been satisfactorily and effectively waived;

B. Any otherwise confidential information that has already lawfully been made available to the public; and

C. Impersonal, statistical or general information.

3. Disclosure prohibited; further exceptions. The director or a trustee, officer, employee, agent, other representative of the trust or other person may not knowingly divulge or disclose records designated confidential by this section, except that the board, in its discretion and in conformity with legislative freedom of access criteria in Title 1, chapter 13, subchapter 1-A, may make or authorize any disclosure of information of the following types or under the following circumstances:

A. If necessary in connection with processing any application for, obtaining or maintaining financial assistance for any person;

B. To a financing institution or credit reporting service;

C. Information necessary to comply with any federal or state law or rule or with any agreement pertaining to financial assistance;

D. If necessary to ensure collection of any obligation in which the trust has or may have an interest;

E. In any litigation or proceeding in which the trust has appeared, introduction for the record of any information obtained from records designated confidential by this section; and

F. Pursuant to a subpoena, request for production of documents, warrant or other order by competent authority, as long as any such order appears to have first been served on the person to whom the confidential information sought pertains or belongs and as long as any such order appears on its face or otherwise to have been issued or made upon lawful authority.

§ 10107. Conflicts of interest; financial disclosure statements

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act Regarding the Central Voter Registration System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §161, sub-§2-A, as enacted by PL 2005, c. 453, §32, is amended to read:

2-A. Maintenance of voter registration information. The registrar in each municipality shall keep the central voter registration system current at all times for the voters in the registrar's municipality. The Secretary of State is authorized to conduct maintenance of the central voter registration system. The Secretary of State shall by rule determine the program for voter list maintenance required by the National Voter Registration Act of 1993. A registrar may not cancel a voter's registration in the central voter registration system solely because the registered voter did not vote in previous elections. A voter's registration record in the central voter registration system must be cancelled by either the registrar for the voter's municipality or by the Secretary of State as follows:

A. When it is determined that a voter has registered to vote in another jurisdiction in the State, the voter registration record from the former jurisdiction must be cancelled; and

B. When it is determined that the voter has registered to vote in another jurisdiction outside of the State, the voter registration record in the State must be cancelled.

Sec. 2. 21-A MRSA §162-A, sub-§1, as enacted by PL 1993, c. 695, §17, is amended to read:

1. Change of address confirmation notice. Except as provided in section 122, subsection 3, a registrar, or the Secretary of State when conducting maintenance of the central voter registration system, shall send by forwardable mail a change of address confirmation notice, with a postage prepaid and preaddressed return notice, to the last known place of residence of each person the registrar or the Secretary of State has identified as having a change of address. If a registrant has moved within the municipality's jurisdiction, a registrar shall change the voter's record to reflect the new address before sending the change of address confirmation notice. If a registrant has moved outside the municipality's jurisdiction, a registrar shall also include information on voter registration procedures in the new jurisdiction.

Sec. 3. 21-A MRSA §162-A, sub-§2, as amended by PL 2005, c. 453, §33, is further amended to read:

2. Change of voter's status. A voter's registration may be cancelled in the central voter registration system if the voter confirms that the voter has moved from the municipality's jurisdiction. If a voter fails to respond to the change of address confirmation notice, the voter must be designated on the incoming voting list and in the central voter registration system as inactive. A voter who has been designated as inactive and fails to vote for the next 2 general elections must be cancelled in the central voter registration system. If a voter who is designated as inactive votes at any election prior to cancellation in the central voter registration system, the inactive designation of the voter must be changed

to active. Address verification may be requested at the polls before allowing a voter designated as inactive to vote. Cancellation of a voter's registration record in the central voter registration system pursuant to this subsection may be performed by either the registrar for the voter's municipality or the Secretary of State.

Sec. 4. 21-A MRSA §196, sub-§3, as amended by PL 2007, c. 397, §2 and c. 455, §12, is repealed and the following enacted in its place:

3. Other reports. The Secretary of State shall make available to any person upon request and free of charge the following voter record information in electronic form: either the voter's first name or last name, but not both names in the same report; year of birth; enrollment status; electoral districts to include congressional district and county only; voter status; the date of registration or the date of change of the voter record if applicable; the date of the last statewide election in which each voter voted; and any special designations indicating uniformed service voters, overseas voters or township voters. The Secretary of State or the registrar also may make available to any person upon request and free of charge any other reports that do not contain the names, dates of birth or addresses of individual voters.

Sec. 5. 21-A MRSA §196, last ¶, as amended by PL 2007, c. 397, §2, is further amended to read:

This section is repealed September 30, ~~2009~~2011.

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

Vetred

L.D. 1357

Date: 5-28-09

(Filing No. S-247)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
124TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 492,
L.D. 1357, Bill, "An Act To Protect the Privacy of Maine Residents under the Driver's
License Laws"

Amend the amendment by striking out all of the first paragraph after the title (page 1,
lines 11 to 13 in amendment) and inserting the following:

'Amend the bill in section 5 in subsection 6-A in the first line (page 1, line 21 in L.D.)
by striking out the following: "The" and inserting the following: 'Except as authorized
under 18 United States Code, Section 2721, the'

Amend the amendment by striking out all of subsection 6 (page 1, lines 16 to 24 in
amendment) and inserting the following:

**'6. Storage, recording, retention and distribution of digital images and digitized
signatures.** Digital image information images and digitized signatures used to produce a
license is are confidential and may be distributed only as ~~required to comply with~~ for use
by a law enforcement agency in carrying out its functions or as otherwise authorized
under the provisions of 18 United States Code, Chapter 123, except that digital image
information may not be distributed to sales and marketing companies or to the public
Section 2721. The Secretary of State may store, record and retain digital images and
digitized signatures used to produce a license solely for the purpose of producing
duplicate licenses and for renewal of licenses. A violation of this subsection is a violation
of section 2103, subsection 4.'

Amend the amendment in section 10 by striking out all of subsection 5 (page 1, lines
34 and 35 and page 2, lines 1 to 5 in amendment) and inserting the following:

**'5. Storage, recording, retention and distribution of digital images and digitized
signatures.** Digital images and digitized signatures used to produce a nondriver
identification card are confidential and may be distributed only for use by a law
enforcement agency in carrying out its functions or as otherwise authorized under the
provisions of 18 United States Code, Section 2721. The Secretary of State may store,
record and retain digital images and digitized signatures used to produce a nondriver
identification card solely for the purpose of producing duplicate nondriver identification
cards and for renewal of nondriver identification cards. A violation of this subsection is a
violation of section 2103, subsection 4.'

SUMMARY

This amendment specifies the federal law that provides an exemption to the provision that prohibits the Secretary of State from disseminating social security numbers collected from applicants for a driver's license or nondriver identification card.

It provides that digital images and digitized signatures, as opposed to digital information in Committee Amendment "A," used to produce a driver's license or nondriver identification card are confidential, and it specifies the federal law that provides an exemption to this provision.

SPONSORED BY: Dennis J. Damon

(Senator DAMON)

COUNTY: Hancock

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

**An Act To Require Interscholastic Athletic Organizations
To Comply with the Public Proceedings Provisions
of the Freedom of Access Laws for Certain Meetings**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §402, sub-§2, ¶E, as amended by PL 1995, c. 608, §2, is further amended to read:

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; **and**

Sec. 2. 1 MRSA §402, sub-§2, ¶F, as enacted by PL 1995, c. 608, §3, is amended to read:

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and

Sec. 3. 1 MRSA §402, sub-§2, ¶G is enacted to read:

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach.

Sec. 4. 1 MRSA §402, sub-§4 is enacted to read:

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

PUBLIC Law, Chapter 334 LD 1306, item 1, 124th Maine State Legislature
An Act To Require Interscholastic Athletic Organizations To Comply with the Public
Proceedings Provisions of the Freedom of Access Laws for Certain Meetings

Effective 90 days following adjournment of the 124th
Legislature, First Regular Session, unless otherwise indicated.

Existing Public Records Exceptions Subject to review by 2010

Remaining provisions as of June 29, 2009

Titles 10, 11, 12, 13, 13-B, 13-C, 14, 15, 16, 17, 17-A, 18-A, 18-B, 19-A, 20-A, 21-A

	Title	Section	Sub-§	Description	Department/Agency	Comments	Subcommittee Action
12.2	12	549-B	5	Title 12, section 549-B, subsection 5, paragraph D, relating to investigatory and exploratory work reported under a mining permit to the Bureau of Geology and Natural areas “shall not constitute records available for public inspection or disclosure”	<ul style="list-style-type: none"> Department of Conservation, Maine Geological Survey 	<ul style="list-style-type: none"> Never invoked bring claims process (2 claims pending); no changes 	TABLED for more information, discussion
19	12	6173	1	Title 12, section 6173, subsection 1, relating to marine resources statistics	<ul style="list-style-type: none"> Department of Marine Resources 	<ul style="list-style-type: none"> Approx. 6 requests per month, approx. 2 must be modified to not release confidential data; no changes 	RECOMMEND review by Judiciary Committee
21.1	12	6445		Title 12, section 6445, relating to logbooks for lobster harvesters “disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173”	<ul style="list-style-type: none"> Department of Marine Resources 	<ul style="list-style-type: none"> No requests; no changes 	RECOMMEND review by Judiciary Committee
22	12	6455	1-A	Title 12, section 6455, subsection 1-A, relating to market studies and promotional plans of the Lobster Promotion Council	<ul style="list-style-type: none"> Lobster Promotion Council 	<ul style="list-style-type: none"> Administered infrequently; no changes 	TABLED for more information, discussion

Existing Public Records Exceptions Subject to review by 2010

Remaining provisions as of June 29, 2009

Titles 10, 11, 12, 13, 13-B, 13-C, 14, 15, 16, 17, 17-A, 18-A, 18-B, 19-A, 20-A, 21-A

	Title	Section	Sub-§	Description	Department/Agency	Comments	Subcommittee Action
22.1	12	6749-S	1	Title 12, section 6749-S, subsection 1 relating to log book for sea urchin buyers and processors “disclosure of any date collected under this section is subject to the confidentiality provisions of section 6173	<ul style="list-style-type: none"> Department of Marine Resources 	<ul style="list-style-type: none"> No FOA denials; no changes 	RECOMMEND review by Judiciary Committee
25	12	8869	13	Title 12, section 8869, subsection 13, relating to forest policy experimental areas	<ul style="list-style-type: none"> Department of Conservation, Bureau of Forestry 	<ul style="list-style-type: none"> No requests; no changes 	TABLED for more information, discussion
27	12	8884	3	Title 12, section 8884, subsection 3, relating to landowner and wood processor reporting requirements concerning volume information	<ul style="list-style-type: none"> Department of Conservation, Bureau of Forestry 	<ul style="list-style-type: none"> No requests; no change 	TABLED for more information, discussion
32	14	1254-A	7	Title 14, section 1254-A, subsection 7, relating to names of prospective jurors and contents of juror qualification forms	<ul style="list-style-type: none"> Judicial Branch Attorney General Maine Prosecutors Association Maine Association of Criminal Defense Lawyers Maine State Bar Association Maine Trial Lawyers Association 	<ul style="list-style-type: none"> JB: requests made at every jury term; seldom allow access absent compelling need; no changes AG: if any changes, make consistent with SJC's Standing Order for Limited Access to Juror Information dated 08/25/06 	HOLD (10/06/08)

Existing Public Records Exceptions Subject to review by 2010

Remaining provisions as of June 29, 2009

Titles 10, 11, 12, 13, 13-B, 13-C, 14, 15, 16, 17, 17-A, 18-A, 18-B, 19-A, 20-A, 21-A

	Title	Section	Sub-§	Description	Department/Agency	Comments	Subcommittee Action
33	14	1254-A	8	Title 14, section 1254-A, subsection 8, relating to names of jury pool during the period of service of jurors and prospective jurors	<ul style="list-style-type: none"> Judicial Branch Attorney General Maine Prosecutors Association Maine Association of Criminal Defense Lawyers Maine State Bar Association Maine Trial Lawyers Association 	<ul style="list-style-type: none"> JB: requests made at every jury term; seldom allow access absent compelling need; no changes AG: if any changes, make consistent with SJC's Standing Order for Limited Access to Juror Information dated 08/25/06 	HOLD (10/06/08)
34	14	1254-B	2	Title 14, section 1254-B, subsection 2, relating to juror selection records and information	<ul style="list-style-type: none"> Judicial Branch Attorney General Maine Prosecutors Association Maine Association of Criminal Defense Lawyers Maine State Bar Association Maine Trial Lawyers Association 	<ul style="list-style-type: none"> JB: requests frequently made but seldom granted absent compelling need; no changes AG: if any changes, make consistent with SJC's Standing Order for Limited Access to Juror Information dated 08/25/06 	HOLD (10/06/08)

Existing Public Records Exceptions Subject to review by 2010

Remaining provisions as of June 29, 2009

Titles 10, 11, 12, 13, 13-B, 13-C, 14, 15, 16, 17, 17-A, 18-A, 18-B, 19-A, 20-A, 21-A

	Title	Section	Sub-§	Description	Department/Agency	Comments	Subcommittee Action
40	16			Title 16, Chapter 3, Subchapter 8: Criminal History Record Information Act	<ul style="list-style-type: none"> Attorney General Department of Public Safety Maine Prosecutors Association Maine Association of Criminal Defense Lawyers Maine Trial Lawyers Association 	<ul style="list-style-type: none"> DPS: Discussion needed; changes recommended 	HOLD
41	16	614	2 1-A	Title 16, section 614, subsection 2 1-A, relating to personally identifying information of persons who report cruelty to animals to the Department of Agriculture, Food and Rural Resources	<ul style="list-style-type: none"> Department of Agriculture, Food and Rural Resources 	<ul style="list-style-type: none"> Requests; no change 	HOLD
56	19-A	4013	4	Title 19-A, section 4013, subsection 4, relating to the Domestic Abuse Homicide Review Panel	<ul style="list-style-type: none"> Attorney General 	<ul style="list-style-type: none"> Many records otherwise confidential, panel's findings released when final; no changes 	HOLD 11/13/08
69	20-A	13004	2-A	Title 20-A, section 13004, subsection 2-A, relating to complaint, charges and accusations concerning certification and registration of teachers (amended PL 2007, c. 666)	<ul style="list-style-type: none"> Department of Education Maine Education Association 	<ul style="list-style-type: none"> DOE: On average once a week; CONSIDER CHANGE: AMBIGUOUS AS WRITTEN 	Committee: recommend amendment, with comment 11/17/08

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